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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT KRISTOPHER HILL,

Defendant and Appellant.

E059595

(Super.Ct.No. RIF1103056)

OPINION

APPEAL from the Superior Court of Riverside County. Michael B. Donner,
Judge. Affirmed in part; reversed in part.

Steven S. Lubliner, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney
General, Julie L. Garland, Assistant Attorney General, Barry Carlton, Seth Friedman and
Sabrina Y. Lane-Erwin, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant Robert Hill is serving a 14-year prison sentence after a jury found him
guilty of robbing a jewelry store using a firearm. Defendant challenges the court's oral

order that he “stay away from Ben Bridge Jewelers” because it was unauthorized by law. The People concede and we agree that the oral order should be stricken.

FACTS AND PROCEDURE

On June 13, 2011, defendant and an accomplice robbed a jewelry store at a shopping mall. While a third accomplice waited outside in a car, the other two entered the jewelry store. Defendant displayed a handgun to the manager and another employee and demanded “everything you got.” The employees handed over 23 Rolex watches with a retail value of \$191,425. Defendant put the watches in a bag and the two men left the store and rode off in the waiting vehicle. Witnesses provided the license plate number, which led to the robbers’ arrest soon thereafter.

On May 13, 2013, a jury convicted defendant of second degree robbery (Pen. Code, § 211)¹ and found true allegations that he personally used a firearm (§ 12022.53, subd. (b)) and caused a loss exceeding \$65,000 (§12022.6, subd. (a)(1)).

On July 12, 2013, the court sentenced defendant to 14 years in prison as follows: The midterm of three years for the robbery, plus ten years consecutive for the firearm enhancement, plus one year consecutive for the loss amount enhancement. Among the other orders the court made regarding payment of fines and fees, the court also stated “I’m ordering you to stay away from Ben Bridge Jewelers.”

This appeal followed.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

DISCUSSION

Defendant argues, the People concede, and this court agrees, that the protective order the trial court entered regarding Ben Bridge Jewelers should be stricken as unauthorized. The trial court made the order orally at sentencing, without explaining the statutory basis for the order. The order is not reflected in the minute order or the abstract of judgment. However, the probation report contained the following recommendation in addition to a prison term and payment of various fines and fees: “Stay away from Ben Bridge Jewelers and any other fine jewelry establishments. (TERM1-4)”

The trial court may issue criminal protective orders pursuant to section 136.2, domestic violence protective orders pursuant to section 1203.097, and protective orders as a condition of probation. The latter two situations are inapplicable here, and section 136.2, which provides for a limited protective order during the pendency of criminal proceedings, does not authorize the issuance of a protective order against a defendant who has been sentenced to prison. (*People v. Ponce* (2009) 173 Cal.App.4th 378, 382-383.) Additionally, although the trial court has an inherent authority to issue appropriate protective orders to protect trial participants, it is not authorized to issue a protective order against a defendant who has been sentenced to prison. (*Id.* at p. 384.) Accordingly, we agree with the parties that the court’s no-contact order here was unauthorized.

DISPOSITION

We reverse the trial court’s oral no-contact order, but otherwise affirm the judgment.

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GAUT

J.*

We concur:

MILLER

Acting P. J.

CODRINGTON

J.

* Retired Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.